

Senate Bill No. 752

Passed the Senate September 9, 2011

Secretary of the Senate

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1065 to the Fish and Game Code, relating to entitlements.

LEGISLATIVE COUNSEL'S DIGEST

SB 752, Berryhill. Entitlements: voluntary donations.

Under existing law, all licenses, permits, tags, reservations, and other entitlements authorized by the Fish and Game Code are prepared and issued by the Department of Fish and Game. Existing law authorizes specified persons to obtain tags or stamps for the taking of specific animals or aquatic species, if certain requirements are met.

This bill would require that a person to whom a license, permit, reservation, tag, or other entitlement is issued pursuant to the Automated License Data System have the opportunity at the time of issuance to voluntarily authorize the release of contact information to nonprofit conservation organizations, as defined, through means of a checkoff box, or through other means the department determines to be appropriate. The bill would require the department to annually transmit contact information to the designated nonprofit conservation organization and would prohibit a nonprofit conservation organization that receives contact information from the department from sharing that information with any other 3rd party without the prior written consent of the individual to whom the contact information applies. The bill would authorize the department to impose a charge on a nonprofit conservation organization to recover the direct reasonable costs of administering these provisions. The department would be prohibited from implementing these provisions until the Fish and Game Commission, by a majority vote of its members, determines that there is sufficient interest among nonprofit conservation organizations to allow the department to recover, over a 3-year period, startup and ongoing costs resulting from the implementation of the provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1065 is added to the Fish and Game Code, to read:

1065. (a) A person to whom any license, permit, reservation, tag, or other entitlement is issued pursuant to the Automated License Data System shall have the opportunity at the time of issuance to voluntarily authorize the release of his or her contact information to eligible nonprofit conservation organizations through means of a checkoff box, or through other means the department determines to be appropriate.

(b) A nonprofit conservation organization seeking to receive contact information pursuant to this section shall submit in a manner determined by the department, once every three years, a letter to the department providing evidence that it meets the criteria set forth in subdivision (e). If the department determines that the nonprofit organization is eligible, it shall include the entity in the checkoff box or other means determined pursuant to subdivision (a).

(c) Notwithstanding Section 1050.6, the department shall annually transmit contact information collected pursuant to subdivision (a) to the designated nonprofit conservation organization.

(d) The department may impose a charge on a nonprofit conservation organization included in the checkoff box or other means determined pursuant to subdivision (a) that shall not exceed the reasonable costs associated with the direct administration of this section.

(e) As used in this section, “nonprofit conservation organization” means an entity that the department determines meets all of the following:

(1) It is a nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)), that is exempt from taxation under Section 501 (a) of that code (26 U.S.C. Sec. 501(a)).

(2) It is registered with the Attorney General.

(3) Its goals and objectives are directly related to the conservation and management of fish and game species.

(4) In the previous three calendar years, it has entered into a contract or other agreement, including, but not limited to, a license,

easement, memorandum of understanding, or lease, with the department to perform habitat or other wildlife conservation work, or to raise funds on behalf of the department, including, but not limited to, the sale of hunting fundraising tags or related items.

(f) (1) A nonprofit conservation organization that receives contact information from the department pursuant to this section shall not share that information with any other third party without the prior written consent of the individual to whom the contact information applies.

(2) If a nonprofit conservation organization violates paragraph (1), the department shall remove the organization from the checkoff box or other means determined pursuant to subdivision (a). The department shall not make a nonprofit conservation organization that violates paragraph (1) eligible to receive contact information pursuant to this section until at least five years after the date the organization was determined to be ineligible.

(g) Upon appropriation by the Legislature, the department may use moneys generated from the surcharge placed on entitlements purchased pursuant to the Automated License Data System to pay a reasonable portion of the costs of making changes to the Automated License Data System necessary to implement this section.

(h) The department shall not implement this section until the commission, by a majority vote of its members, determines that there is sufficient interest among nonprofit conservation organizations to allow the department to recover, over a three-year period, startup and ongoing costs resulting from the implementation of this section.

Approved _____, 2011

Governor